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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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03/747,471 11/12/96 PALLEY

I 30-3744CIP2

EXAMINER

QM12/0215

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ELOSHWAY, N
ART UNIT

PAPER NUMBER

3727
DATE MAILED:

14
02/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

Office Action Summary	Application No. 08/747,471	Applicant(s) PALLEY ET AL.	
	Examiner Niki M. Eloschway	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. The finality of the rejection of the last Office action is withdrawn.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 16 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 16 and 20 recite the limitation "the interrupted band" in line 2. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the

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prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 8-13, 16, 17, 20, 21, 25-43 and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of Mykleby (U.S. 4,266,670). Sacks discloses the claimed device except for the loops at the ends of the band and except for the pin. Mykleby discloses that it is known in the art to connect two ends with a pin extending through loops in each end (see elements 32 and 42 in figure 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the band of Sacks with the band ends having loops which are connected by a pin, as taught by Mykleby, in order to fasten the two band ends together more securely. The pin and loop engagement would be more secure than the hook and loop engagement discussed in Sacks.

Sacks teaches a band which is discussed in col. 2 lines 4-7. The band can be made of SPECTRA, as set forth in col. 1 lines 33-42. Regarding claim 13, the container about which the band is located is discussed in col. 1 line 65- col. 2 line 7 of Sacks.

Regarding the term "integral" in claim 27, the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding (in re Hotte (C.C.P.A.) 157 U.S.P.Q. 326); the term is not necessarily restricted to a one-piece article (in re Kohno (C.C.P.A.) 157 U.S.P.Q. 275); and may be construed as relatively broad (in re Dike (C.C.P.A.) 157 U.S.P.Q. 581).

7. Claims 3-6, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Mykleby, as applied to claims 1 and 17 above, and further in view of Kolom (U.S. 5,054,635). The modified device of Sacks does not teach the material of the pins. Kolom teaches that it is known to provide a container with pins which are made of metal (see col. 4 line 68- col. 5 line 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the

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modified container of Sacks with the pins being made of the material discussed in Kolom, in order to make the pins of increased strength.

8. Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Mykleby, as applied to claims 1 and 17 above, and further in view of Sholl (U.S. 3,611,512). The modified device of Sacks discloses the claimed invention except for the pin being a rope. Sholl teaches that it is known to provide a pin made of rope (see element 22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified band of Sacks with the pin being made of rope, as taught by Sholl, in order to use less expensive material.

9. Claims 14, 15, 18, 19, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Mykleby, as applied to claims 13, 17 and 39 above, and further in view Gettle et al. (U.S. 5,225,622). The modified device of Sacks discloses the claimed invention except for the blast mitigating material. Gettle et al. teach that it is known to provide a container with aqueous foam (see line 11 of the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Sacks with the aqueous foam of Gettle et al., in order to attenuate pressure waves.

10. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chavez (U.S. 5,033,161) in view of Sholl (U.S. 3,611,512). Chavez discloses the claimed invention except for the pin being a rope. Sholl teaches that it is known to provide a pin made of rope (see element 22). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hinge of Chavez with the pin being made of rope, as taught by Sholl, in order to use less expensive material.

11. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks (U.S. 5,249,534) in view of Chavez (U.S. 5,033,161). Sacks discloses the claimed device except for the loops at the ends of the band and except for the pin. Chavez discloses that it is known in the art to

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connect two ends with a pin extending through loops in each end (see elements 3 and 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the band of Sacks with the band ends having loops which are connected by a pin, as taught by Chavez, in order to fasten the two band ends together more securely. The pin and loop engagement would be more secure than the hook and loop engagement discussed in Sacks.


Conclusion

12. **THIS ACTION IS MADE NON-FINAL.**

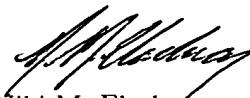
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is cited for the teaching of a band around a container.

14. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into group 3720 will be promptly forwarded to the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is (703) 308-1606. Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Customer Service Office at (703) 306-5648.



Allan N. Shoap
Supervisory Patent Examiner
Group 3700



Niki M. Eloshway
Patent Examiner
February 11, 2001